

ASSEMBLY BILL

No. 1497

Introduced by Assembly Members Oller and Floyd

February 26, 1999

An act to add Chapter 4.5 (commencing with Section 42225) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1497, as introduced, Oller. Recyclable printer cartridges.

The existing California Integrated Waste Management Act of 1989 establishes various state programs to encourage the recycling of specified products including, among other products, metallic discards, printing and writing papers, plastic postconsumer materials, and batteries.

This bill would prohibit any person manufacturing a recyclable printer or duplication product, as defined, in this state, from imposing any restrictions on the remanufacturing of the product by imposing any restrictions upon the sale or transfer of that product, including, but not limited to, taking specified actions to reduce the price of the product. The bill would prohibit such a manufacturer from claiming any right or ownership of the remaining expended product or taking any legal action against any recycler or remanufacturer of a product, based upon the recycling of that product in accordance with the bill, except as specified.

The bill would authorize the California Integrated Waste Management Board to impose a civil penalty upon any person

who sells or transfers a recyclable printer or duplication product in violation of this bill, in a specified amount, and would require the board to deposit these penalties into the Recyclable Cartridge Account, which the bill would create in the Integrated Waste Management Fund in the State Treasury. The bill would allow the money deposited in that account to be expended, upon appropriation by the Legislature, to implement the bill.

The bill would require the Department of General Services to conduct a cost analysis on the difference between purchasing new cartridge products and recycled or remanufactured products and to utilize this data, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4.5 (commencing with Section
2 42225) is added to Part 3 of Division 30 of the Public
3 Resources Code, to read:

4

5 CHAPTER 4.5. PRINTER AND DUPLICATION CARTRIDGE
6 RECYCLING

7

8 42225. The Legislature finds and declares all of the
9 following:

10 (a) The printer and duplication cartridge recycling or
11 remanufacturing industry annually withholds
12 approximately 38,000 tons of plastic and scrap metal from
13 the national waste stream while simultaneously providing
14 roughly 30,000 jobs in small and medium sized businesses.

15 (b) The cartridge recycling industry thrives on the
16 free market and can compete successfully based on price,
17 quality, and service.

18 (c) It is the policy of the state to conserve and protect
19 resources by promoting the use and development of
20 recycled resources and to encourage practices designed
21 to reduce the volume of solid waste.

22 42225.1. For purposes of this chapter, the following
23 terms shall have the following meanings:



1 (a) “Prebate” means a reduction in the price of a
2 recyclable printer or duplication product offered by the
3 seller or manufacturer, in exchange for an agreement by
4 the purchaser to meet certain conditions with regard to
5 the disposal of the expended product.

6 (b) “Recyclable printer or duplication product” or
7 “product” means a printer or duplication cartridge used
8 in conjunction with office equipment that could be
9 subjected to a process whereby the cartridge is restored
10 to its original specifications and functions by the retention
11 of the bulk of the cartridge’s components that have been
12 through at least one life-cycle and the replacement of the
13 consumable portions of the cartridge, thereby diverting
14 the product from the solid waste disposal stream.

15 42225.2. Any person manufacturing a recyclable
16 printer or duplication product in this state shall not do any
17 of the following:

18 (a) Impose any restriction on the remanufacturing of
19 the product by any business means, by imposing any
20 restrictions upon the sale or transfer of that product,
21 including, but not limited to, any of the following:

22 (1) Reducing the price of the product in exchange for
23 an agreement not to remanufacture the product, such as
24 offering a prebate.

25 (2) Imposing a licensing agreement on the product
26 that forbids remanufacturing of the product.

27 (3) Entering into a contract that forbids the
28 remanufacturing or recycling of the product.

29 (b) Claim any right or ownership of the remaining
30 physical commodity once the product has been
31 expended.

32 (c) Take any legal action against any recycler or
33 remanufacturer of a product, based upon the recycler’s
34 or remanufacturer’s recycling of that product in
35 accordance with this chapter, unless the recycler or
36 remanufacturer is engaged in duplicating the original
37 design of a patented recyclable printer or duplication
38 product.

39 42225.3. The board may impose a civil penalty upon
40 any person who sells or transfers a recyclable printer or

1 duplication product in violation of this chapter in an
2 amount not to exceed fifty dollars (\$50) for each cartridge
3 of a recyclable printer or duplication product sold or
4 transferred in violation of this chapter. The board shall
5 deposit all penalties paid pursuant to this chapter into the
6 Recyclable Cartridge Account, which is hereby created
7 in the Integrated Waste Management Fund in the State
8 Treasury. The money deposited in the account may be
9 expended, upon appropriation by the Legislature, to
10 implement this chapter.

11 42225.4. The Department of General Services shall
12 conduct a cost analysis on the difference between
13 purchasing new prebated recyclable printer or
14 duplication products and recycled or remanufactured
15 products and utilize this data in determining the most
16 cost-effective purchasing of these products by state
17 agencies.

